UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,844	02/19/2002	Paul A Evans	36-1522	6117

			EXAMINER
23117 7590 09/15/2006			LASHLEY, LAUREL L

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ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/049,844	EVANS ET AL.
		Examiner	Art Unit
		Laurel Lashley	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>07/06/06</u>.

2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,2,4-6 and 10-16</u> is/are rejected.

7) ☒ Claim(s) <u>3,7-9,17-18</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 18 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has

been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37

CFR 1.114. Applicant's submission filed on 07/06/2006 has been entered.

Claim Rejections - 35 USC § 102

        The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

3.   Claims 1 – 2, 4 - 6, 10 -16 rejected under 35 U.S.C. 102(b) as being anticipated by

Watts in US Patent No. 5712627 (hereinafter US '627).

4.   For claim 1, US '627 discloses:

A method of conveying a data packet over a packet network from a first server to one or more

authorized recipient servers, the method comprising:

(i) a first server, storing a list comprising one or more non-duplicated random

numbers:

(ii) sending a copy of said list to an authorized recipient server by secure communication

means: (see column 2, lines 9-15)

(iii) selecting a number from said list of random numbers and including said selected random

number in a data packet to be sent wherein said selected random number has not previously

been selected and included in a data packet to be sent; and

(iv) sending said data packet to said authorized recipient server. (see Abstract; column 3, lines

28 – 32)

For claim 2, US '627 discloses:

A method according to Claim 1, further including:

(v) receiving an acknowledgement message including a sequence number;

(vi) identifying the position of said selected random number within said list from step (iii);

(vii) comparing said sequence number with said identified position; and

(viii) re-sending said data packet to said authorized recipient server if, at step (vii), said

sequence number does not match said identified position. (see column 2, lines 14 – 15; column

3, lines 28 – 33)

For claim 4, US '627 discloses:

A method of conveying a data packet over a packet network from a first server to one or more

authorized recipient servers, the method comprising:

(a) receiving by secure communication means at an authorized recipient server, a list

comprising one or more unique non-duplicated random numbers, and storing said list;

(b) receiving at the authorized recipient server a data packet including a random number that is

included in said list of authentic; (see column 1, lines 62 – 64)

(c) sending a message acknowledging receipt of said data packet if said received included

number is contained within said stored list of one or more non- duplicated random numbers and

if said included number was not included in an earlier received data packet. (see column 3, lines

27 – 32)

For claim 5, US '627 discloses:

A method according to Claim 4, wherein, at step (c), said acknowledgement message includes

a sequence number indicative of the position of said included number within said stored list.

(see column 3, lines 43 – 47)

For claim 6, US '627 discloses:

A server, arranged to convey data packets over a packet network, the server comprising:

a packet network interface;

a store for storing a list comprising one or more non-duplicated random numbers;

secure communication means for sending a copy of said stored list to a predetermined

destination; (see column 2, lines 9 – 15)

selecting means operable to select a number from said stored list of random numbers and to

include said selected random number in a data packet to be sent wherein said selected random

number has not previously been selected and included in a data packet to be sent: and

routing means operable to send said data packet to said predetermined destination via said

interface. (see column 3, lines 27 – 32 and 43 – 47; Figure 1a: no row/column address contain

the same number))

For claim 10, US '627 discloses:

A server, arranged to convey data packets over a packet network, the server comprising:

a packet network interface;

secure communication means for receiving a list comprising one or more non-duplicated

random numbers;

a store for storing said received list; and (see column 2, lines 9 - 15)

acknowledging means operable, on receipt of a data packet including a number that is included

in said list if authentic, via said interface, to send a message acknowledging receipt of said data

packet if said included number is contained within said stored list and if said included number

was not included in an earlier received data packet. (see column 3, lines 27 – 32, 43 – 47;

Figure 1a)

For claim 11, US '627 discloses:

A server according to Claim 10, wherein said acknowledging means includes inserting means

operable to include a sequence number in said acknowledgement message, said sequence

number being indicative of the position of said included number within said stored list. (see

column 3, lines 50 – 54)

For claim 12, US '627 discloses:

A method for reducing the possibility that an unauthorized data packet is conveyed over a

network of interconnected servers in a packet data communication network, said method

comprising:

generating a list of unique data values and storing said list at a first server;

securely sending a copy of said list to at least one other server authorized to communicate

data packets with said first sender and also locally storing said received copy at said at least

one other server;

including at least one selected not previously used member of said stored list of data values in

an authorized data packet being sent from a sending server to a receiving server; and

accepting a received data packet at a receiving server only if said included data value is present

in said locally stored list and has not been previously used. (see column 2, lines 9-15, 51-53;

column 3,lines 28 – 32)

For claim 13, US '627 discloses:

A method as in Claim 12 wherein said unique data values in the list are random data values.

(see column 2, lines 51 – 53)

For claim 14, US '627 discloses:

A method as in Claim 12 wherein said included member of the list is selected from a random

position in the list. (see column 2, lines 51 – 53)

For claim 15, US '627 discloses:

A method as in Claim 12 wherein :

said unique data values in the list are random data values; and

said included member of the list is selected from a random position in the list. (see column 2,

lines 51 – 53 and column 3, lines 58 – 61)

For claim 16, US '627 discloses:

A method as in Claim 12 wherein the receiving server sends back to the sending server

acknowledgement data for an accepted data pager identifying the position of the accepted

packet's included data value in said list. (see column 3, lines 27 – 32 and 44-48)

Allowable Subject Matter

5.   Claims 3, 7-9 and 17-18 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Naslund et al. in US Patent No. 5557676 discloses a list of indexed random numbers

being available to both a sender and receiver. Normille et al. in US Patent No. 554195 discloses

the secure transmission of data packets from a sender to a receiver.

7.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner

can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley
Examiner
Art Unit 2132

11 September 2006
LLL
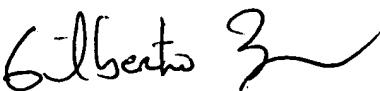
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